

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GEORGE IVERSON, individually,)
Plaintiff,)
v.) Case No. 04-12079-NG
BRAINTREE PROPERTY ASSOCIATES)
LIMITED PARTNERSHIP,)
Defendant.)

)

**[PROPOSED] JOINT STATEMENT AND SCHEDULING ORDER
PURSUANT TO FED. R. CIV. P. 26(f) AND LOCAL RULE 16.1(D)**

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1(D), the parties submit the following joint statement in connection with the Scheduling Conference to be held on May 4, 2005:

1. Matters to be Discussed at Conference. The parties will appear prepared to discuss the following issues:
 - a. A proposed pre-trial schedule for the case that includes the plan for discovery and deadlines;
 - b. Anticipated dispositive and pre-trial motions;
 - c. Alternative Dispute Resolution; and
 - d. Settlement.
2. Procedural Motions and other Pending Matters. There are no pending motions currently before the Court.
3. Schedule for Discovery. The parties have conferred in good faith in an attempt to reach an agreed schedule for discovery and dispositive motions. Despite their efforts, they have been unable to reach agreement. The plaintiff's and the defendant's proposed schedules follow:

a. Plaintiff's proposed schedule:

<u>DEADLINE OR EVENT</u>	<u>PROPOSED DATE</u>
Fed. R. Civ. P. 26(a)(1) disclosures	May 9, 2005
Motion to Add Parties or to Amend Pleadings	June 1, 2005
Plaintiff's Expert Reports	July 1, 2005
Defendant's Expert Reports	July 15, 2005
Close of Discovery	August 25, 2005
Summary Judgment Motions	September 2, 2005
All other Motions, including Motions <i>In Limine</i>	September 20, 2005
Final Pretrial Conference	On or about November 10, 2005
Trial	On or about November 25, 2005
Estimated Length of Trial	3 days

b. Defendant's proposed schedule:

<u>DEADLINE OR EVENT</u>	<u>PROPOSED DATE</u> ¹
Fed. R. Civ. P. 26(a)(1) disclosures	May 24, 2005
Motion to Add Parties or to Amend Pleadings	January 30, 2006
Plaintiff's Expert Reports	January 13, 2006
Defendant's Expert Reports	February 13, 2006
Close of Discovery	March 30, 2006

¹ Because the parties believe that an out of court settlement of this matter is likely, defendant advocates a lengthy discovery schedule to enable the parties to more efficiently focus their efforts on such settlement, which has been ongoing. In addition, in the event that this matter does not settle, plaintiff has informed defendant that he intends to conduct an extensive expert inspection which the defendant believes will take numerous months to complete.

DEADLINE OR EVENT	PROPOSED DATE¹
Summary Judgment Motions	April 28, 2006
All other Motions, including Motions <i>In Limine</i>	July 17, 2006
Final Pretrial Conference	On or about July 31, 2006
Trial	On or about August 14, 2006
Estimated Length of Trial	3 - 5 days

4. Discovery Limits. The parties have agreed that discovery be conducted pursuant to the limits set forth in Local Rule 26.1(C). The parties have further agreed that all discovery requests must be propounded no later than 33 days prior to the close of discovery. Each party shall reserve its or his right to seek by motion additional discovery, with good cause shown.

5. Settlement. The parties have agreed that settlement is likely, but do not at this time request a settlement conference before a Magistrate Judge.

6. Trial by Magistrate Judge. At this time, the parties are not prepared to consent to trial by a Magistrate Judge.

7. Budget and Alternative Dispute Resolution. Counsel for the parties have conferred with their respective clients concerning establishing a budget for litigation and the use of Alternative Dispute Resolution. The parties are willing to participate in mediation in an attempt to resolve this matter and will attempt to agree upon a mutually acceptable mediator. The plaintiff has already filed his certification required pursuant to Local Rule 16.1(D)(3). The defendant's Local Rule 16.1(D)(3) certification is attached.

8. Modification of Schedule. All dates set forth herein may be modified by written agreement of the parties and approval of the Court, or upon motion of the Court for good cause shown.

Dated: April 27, 2005

Respectfully submitted,

GEORGE IVERSON

By his attorneys,

/s/ John P. Fuller

John P. Fuller, Esq. (pro hac vice)
Fuller, Fuller & Associates, P.A.
12000 Biscayne Blvd., Suite 609
North Miami, FL 33181
FFA@FullerFuller.com
Tel.: (305) 891-5199
Fax: (305)893-9505

Respectfully submitted,

**BRAINTREE PROPERTY ASSOCIATES
LIMITED PARTNERSHIP**

By its attorneys,

/s/ Jennifer Martin Foster

Jennifer Martin Foster, Esq. (BBO #644796)
Greenberg Traurig LLP
One International Place
Boston, MA 02110
FosterJe@GTLaw.com
Tel.: (617)310-6000
Fax: (617)310-6001

Of Counsel

Brian Blair, Esq.
Greenberg Traurig, P.A.
450 S. Orange Avenue, Suite 650
Orlando, FL 32801
BlairB@GTLaw.com
Tel.: 407-420-1000
Fax: 407-841-1295

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail and e-mail to **JOHN P. FULLER**, Fuller, Fuller & Associates, P.A., 12000 Biscayne Boulevard, Suite 609, North Miami, Florida 33181, this 27 day of April, 2005.

/s/ Jennifer Martin Foster
Jennifer Martin Foster

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